

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

**Steven Foy and
Justine Foy,**

CASE NO: 20-52333-tjt
CHAPTER: 13
JUDGE: Tucker

Debtors.

DEBTORS' PROPOSED PLAN MODIFICATION #1

NOW COME, Steven and Justine Foy, by and through their attorneys, Frego & Associates - The Bankruptcy Law Office, PLC, and in support of their Proposed Plan Modification #1, state as follows:

1. Debtors filed for relief under Chapter 13 on or about December 14, 2020.
2. Debtor's plan was confirmed on or about April 23, 2022.
3. Debtors are required to remit their federal tax refunds to the Chapter 13 Trustee/
4. Debtors have filed their 2021 income tax return and are entitled to receive or have already received a refund in the amount of \$1,991.
5. Debtors wish to retain the entirety of their refund because both of the vehicles that Debtors currently drive need new tires. Debtors have been postponing the purchase of tires; they have been anticipating to use their refund with the purchase of the tires. The estimate for tires exceed \$2000, which is greater than their 2021 tax refund.
6. Therefore, Debtors wish to cancel the requirement that they remit their 2021 tax refund and retain the entire refund.
7. Effect of Proposed Plan Modification #1 on creditors:
 - a. Classes One, Two, Four, and Five: No adverse impact and will continue to be paid pursuant to plan;
 - b. Classes Three, Six, Seven, and Eight: No impact as there are no creditors in these classes;
 - c. Class Nine: Debtors are not required to provide a dividend based on the liquidation analysis. However, the creditors may have received greater funds if Debtors were not seeking to retain their 2021 tax refund.
8. A plan calculation, a worksheet, and a liquidation analysis are attached as Exhibit 6. Debtors' 2021 income tax return and estimates of tires will be sent directly to the Trustee.

Wherefore, Debtors request this court grant their Proposed Plan Modification #1.

Dated: May 4, 2022

/s/ Toni Valchanov
Frego & Associates - The Bankruptcy Law Office, PLC
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ORDER MODIFYING PLAN

Debtors having filed a Post-Confirmation Plan Modification #1, all interested parties having received Notice, a Certificate of No Response having been filed and the Court being more fully advised;

IT IS HEREBY ORDERED:

1. Debtors are excused from remitting their 2021 income tax refund.

PROPOSED ORDER, EXHIBIT 1

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification #1

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

If a timely objection is filed. The court will set the matter for hearing and give notice of hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In the event, the plan modification will become effective when the Court enters an Order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

FREGO & ASSOCIATES - THE BANKRUPTCY LAW OFFICE,PLC, 23843 JOY ROAD, DEARBORN HEIGHTS, MI 48127
TAMMY L. TERRY 535 Griswold, Ste 2100, Detroit, MI. 48226
Steven and Justine Foy, 39243 Prentiss St, Harrison Township, MI 48045

Dated: May 4, 2022

/s/ Toni Valchanov

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